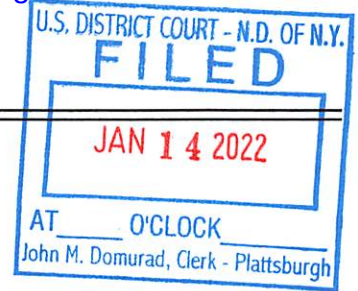


AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

John LAFFIN,)

Case No. 8:22-MJ-12 (GLF)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 13, 2022, in the county of St. Lawrence in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(v)(I)

Offense Description

Conspiring to transport or move an alien within the United States by means of transportation or otherwise, knowing and in reckless disregard of the fact that the alien has come to, entered, or remain in the United States in violation of law, in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Richard Vogelzang 1/14/22 1:30 p.m.

Complainant's signature

HSI Special Agent Richard Vogelzang

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: January 14, 2022

Gary L. Favro

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

This criminal complaint is based on these facts:

On January 13, 2022, Homeland Security Investigations Special Agents and Task Force Officers passed information to Border Patrol Agents from the Massena Station regarding multiple vehicles that recently entered the United States through the Massena, NY Port of Entry. Law enforcement members conducted surveillance on three vehicles of interest, all of which displayed Ontario license plates. One of the vehicles, a silver Ford Escape registered to Enterprise Rent-A-Car, entered the United States via the POE at 7:15 p.m. occupied by John LAFFIN. LAFFIN advised CBP Officers he was traveling to his uncles wake in Massena, NY. However, LAFFIN's statements raised suspicion as the wake service was known by law enforcement to be concluded as it was scheduled from 5:00 p.m. until 7:00 p.m. At approximately 8:00 p.m., law enforcement observed the Escape—at the time having only one occupant—parked at the Number 9 gas station in Hogansburg, NY. A short time later, the Escape traveled to River Road and pulled down a dead-end dirt road. River Road connects Canada and the United States with no designated Port of Entry where traffic flows freely between the two countries. Law enforcement observed the Escape meet with another vehicle with its headlights on. The area where the two vehicles met was located within a few hundred yards of the international boundary.

After approximately two minutes, the Escape was observed departing the dead-end dirt road and driving south on River Road, south on Cook Road, west on State Highway 37, and then south on State Highway 37C. The driver of the Escape drove away from the border area on roads that were in poor condition and covered with snow. At this time law enforcement also observed additional passengers in the Escape. As the Escape passed by a marked Border Patrol vehicle, the driver applied the brakes and made an abrupt turn north onto North Road, back towards the direction of Hogansburg, NY. The marked Border Patrol vehicle discontinued surveillance on the Escape and shortly thereafter, the Escape was observed driving on additional back roads traveling away from Hogansburg, NY. At 8:50 p.m., a marked Border Patrol vehicle performed a vehicle stop on the Escape on State Highway 37 in Massena, NY.

During the stop, Border Patrol Agents identified the driver to be John LAFFIN, a United States citizen from Hogansburg, NY. Agents identified five additional passengers in the vehicle, none of whom could speak English. Agents asked the five occupants of the vehicle as to their citizenship status, to which they would not verbally answer. LAFFIN advised Agents he observed the occupants walking on St. Regis Road and picked them up out of the goodness of his heart. At no time during surveillance did law enforcement observe the Escape pick up the five occupants on St. Regis Road. Furthermore, LAFFIN could not provide an answer as to how he knew where the five occupants needed to go if they were unable to speak to him. LAFFIN stated he was currently on his way to Wal-Mart to buy them phones when he was pulled over.

Due to poor road conditions, poor lighting, and proximity to the Massena Station, Agents placed the occupants into custody and transported them to the station for further investigation into their identities and citizenship status. At the station, all five occupants claimed to be citizens of Vietnam, without possession of valid U.S. immigration documents, and illegally present in the United States. Furthermore, all five Vietnamese citizens waived *Miranda* and advised law enforcement that on January 13, 2022, they had traveled from Toronto, Ontario, Canada to the international border. After being smuggled into the United States by vessel, they entered the Escape with the intention of being driven to a hotel within the state of New York.